

Social Dialogue Committee for Central Government Administrations - SDC CGA

SD Committee Central Government Administrations – Working Group meeting
21 April 2015, Brussels
Minutes

Present		
TUNED		
GLOSS Wilhelm	GÖD	Austria
DEVOS Jean Paul	CSC SP	Belgium
GILLES André	CGSP	Belgium
LIIVAMÄGI Kalle	ROTAL	Estonia
PARISOT Alain	UNSA	France
TSIAKKAROS Stélios	CFDT Interco	France
MOOS Christian	DBB	Germany
GRIECO Nicoletta	FP CGIL	Italy
GALLEGO-GARCIA Jesus	FSP UGT	Spain
VASQUEZ FERNANDEZ David		Spain
HEIKKILA Katja		Finland
BRUNZELL Karin	ST	Sweden
LINSSTRÖM Anders	SSR	Sweden
OSTBERG-SVANELIND Maria	SSR	Sweden
KEMPEN Peter	USF	Europe
TUNED Secretariat		
SALSON Nadja	EPSU	Brussels
GASSNER Diane	EPSU	Brussels
SMYTH Agathe	CESI	Brussels
EUPAE		
PAPPENSCHALLER Thomas		Austria
DRUART Jacques		Belgium
NECKEBROECK Bruno		Belgium
LEBRANCHU Marylise		France
LEBRET Sophie		France
RENOIR Mathilde		France
MACCIONI Nicolas		France
GEORGE Sarah		France
DJIDER Nacer-Eddine		France
KRYKWINSKI Caroline		France
MAIWALD Christian		Germany
MINAKAKI Stamatiki		Greece
HAZAFI Zoltan		Hungary
TALAMO Valerio		Italy
FICCHI Velia		Italy
SARMAVICIUS Osvaldas		Lithuania
GRIXTI Mario		Malta
GANHAO Teresa		Portugal
DIACENCU Bianca		Romania
PEREZ-BAROJA VERDE		Spain
CASADO LOPEZ		Spain

FORGAC Gabriel		Slovakia
European Commission		
MARTINELLI Stefano	DG Employment	Brussels
GUIN Muriel	DG Employment	Brussels
MULLER-SCHLEIDEN Bertrand	DG Employment	Brussels
STABENOW Jonathan	DG Employment	Brussels

09h00-10h00: Separate preparatory meetings of TUNED (with interpreters) and of EUPAE

Welcome and announcements

EUPAE France: opening of the committee meeting.

Mr. SEFCOVIC (EC) apologizes for the absence of the Vice President Ms. Georgieva and, specifies that under his former position he was in charge of social dialogue. He highlights the challenge of social dialogue with the crisis and also thanks the French Minister for her support to the European social dialogue.

Mr. SEFCOVIC also recalls the commitment of the President of the Commission, Mr Juncker, to reinforce the role of social partners. He welcomes the growing representation of employers with now 16 countries involved in EUPAE and considers it as a good signal of administrative cooperation in Europe.

Mrs LEBRANCHU (French Minister in charge of Public Employees) underlines the importance of a quality social dialogue in Europe to meet the challenges faced by public administrations in Europe. This dialogue must allow employees and civil servants to combine the choices made.

The "information and consultation" project is a way to:

- Revive the social dialogue ;
- Better anticipate and better manage changes ;
- Maintain trust ;
- Prevent psycho-social risks ;
- Better preserve employment.

Therefore it is proposed to build a common framework for information and consultation without questioning national legislation.

Mrs LEBRANCHU (French Minister in charge of civil service and decentralisation) recalls the mandate given to the working group to elaborate a draft text on the subject, which is not about negotiation rights but on the right to information and consultation. She would like to have a first draft before this summer in order to discuss with European ministers responsible for public administrations in autumn. The objective for France is to reach an agreement between social partners, which could have a legal value.

TUNED (President) said we need to take the time necessary on such a difficult subject.

EUPAE (France) said that the drafting group which met on three occasions has yet to agree on at least three points: scope; definitions; practical arrangements.

TUNED (chair) specifies that the objective is to agree common minimum rules on information and consultation in central government administrations (being aware that the local and regional levels are covered by another EU social dialogue committee). In parallel of the drafting group's work, rights to information and consultation are the subject of a consultation of the Commission. The country survey made by EUPAE shows that even when

there is a national legal framework on information and consultation, it is however misapplied and in some cases has been suspended because of the crisis.

TUNED (Chair) considers that public employees in central government administrations must have the same rights as other workers in the private sector and that the objective is indeed to reach a text legally binding.

In the content of the draft text, TUNED wishes that the text recognizes: information and consultation as fundamental human rights and as, in the context of our ongoing negotiations, collective rights.

TUNED wants a text that leaves open the possibility for the right to negotiation. The consultation should not only be to obtain the views of employees but also to have a reasoned response from the employer, and where it is possible at national level, to obtain an agreement.

It is recalled that the 2002 directive opens the possibility of negotiating an agreement.

TUNED states that the non-regression clause from the current level of protection in some national legislation is also a point of vigilance and that the SDC CGA's mandate is to improve the social dialogue in the context of restructuring.

Also TUNED (chair) wishes to include a reference to duration in the process of information and consultation. TUNED is against the fact that the rights to information and consultation can be suspended in case of difficulties in the functioning of public services which is too broad an exemption. It is emphasized that TUNED wishes that the text contains a reference to the protection and resources of union representatives to carry out their work. Furthermore the agreed text must be binding to go beyond already agreed related non-binding positions by the SDC CGA.

Mrs. LEBRANCHU (French Minister) reminds the choice of words information and consultation. These words have a specific meaning: to consult is to get an opinion and to negotiate is to try to reach an agreement. For the moment, the aim is to make progress together on information and consultation and to leave to the States the organization of the negotiation.

However, the Minister points out that advancing on information and consultation will promote, in practice, possible negotiation. The Minister specifies that there will be time to discuss the draft text. The committee must also discuss other matters such as the EC funded project on "health and risk prevention". The Minister wishes to chair the meeting of the committee which will take place at the end of this year.

EUPAE (Italy): The draft text must cover minimum rules and must not involve changes in national legislation.

TUNED (Spain) says that the draft text needs to leave the door open for possible negotiation.

TUNED (Italy) shares this view and wants a binding agreement that overcomes the obstacles of social dialogue in Italy.

Mrs. LEBRANCHU (French Minister) proposes to include in the preamble of the text a reference to negotiation stressing that quality information and consultation encourage possible negotiations.

EUPAE (Italy) states that currently, according to national legislation, information and consultation in Italy comes under collective bargaining and that is why Italy denies that the document defines a priori the matters within the information and consultation.

EUPAE (Germany) wishes to know to what extent the general framework can be considered binding on the government (and to have written clarification on the scope of Article 155)?

THE EUROPEAN COMMISSION recalls that the ongoing work of the Committee will respond to the consultation of the Commission. The result of the negotiations can be presented to the Commission and requested to be transposed Directive.

EUPAE (Chair) notes the interest to continue drafting a text in the committee and in particular on the following points:

- Improve information and consultation practices ;
- Take into account the specificities of member states.

A new version of the text will be presented in June. It is important that the commission clarifies how an agreement between social partners acquires legal force. Therefore it would be good for the next meeting of the committee to circulate a technical note.

Moreover, EUPAE requests to entrust the steering committee with the task of drafting the Committee's (EUPAE + TUNED)reply to the EC' consultation.

TUNED presents the project to be financed with European funding on health and safety at work.

The committee agrees on the principle of this initiative, but calls for reconsideration of the proposed methodology (question of effectiveness of previous regional seminar; the scope of the project as EUPAE does not want to commit for an agreement but to have a document on good practices including the topic of violence at the workplace and case studies). TUNED leads the project and EUPAE France will support it. A new version of the project will be presented at the meeting of June 2 for adoption to meet the deadline of EC-funded projects i.e; 15 June

The final text on Policy recommendations for a quality service in central government administration is adopted. The minutes of the meetings of September 30 and November 25 are adopted.